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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,895

Applicant(s)

NEWSOME, MARK R.

Examiner

LaShonda T Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This a Final Office Action in response to Applicant's Amendment filed on January 15, 2005.

Claims 1, 15, 27 and 39 have been amended. Claims 1-49 are presented for further examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 15, 27 and 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. “dynamically changing the application during server operation without shutting the server down or recompiling the server implementing the file in the tag-based language format via a control panel couple to the server. The application does not support the amended portion of the claim limitation “without shutting the server down or recompiling the server”. The specification is not enabling with respect to the claims at issue because all the methods needed to practice this invention is not well known.

Art Unit: 2157

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6-8, 11-16, 21-28, 31-34, 37-40 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al (hereinafter, "Dodrill", 6,766,298) in view of Mogul et al (hereinafter, "Mogul", 6,243,761).

As per claim 1, Dodrill discloses a method for adjusting operation of an application of a server during operation of the server, comprising the steps of:

- preparing a file in a tag-based language format wherein the file includes a desired change in operation of the application (col. 5, lines 39-50, col. 7, lines 7-14 and col. 11, lines 17-41); and
- sending the file in the XML format to the server (col. 8, lines 6-24).

However, Dodrill does not explicitly disclose:

- dynamically changing the application during server operation by implementing the file in the tag-based language format via a control panel that is coupled to the server.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

Art Unit: 2157

- dynamically changing the application during server operation by implementing the file in the tag-based language format via a control panel that is coupled to the server (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claims 15 and 39, Dodrill discloses the invention substantially as claims discussed above:

However, Dodrill does not explicitly disclose:

- using a servlet as a form-based interface to a server wherein the servlet includes a desired change in operation of the application as a file in a tag-based language format; and
- dynamically changing the application during server operation by implementing the file in the tag-based language format via a control panel that is coupled to the server.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- using a servlet as a form-based interface to a server wherein the servlet includes a desired change in operation of the application as a file in a tag-based language format (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57); and

Art Unit: 2157

- dynamically changing the application during server operation by implementing the file in the tag-based language format via a control panel that is coupled to the server (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claim 27, discloses a dynamically adjustable server comprising:

- a computer, coupled to the Internet and having at least a processor with a tag-based language format engine (col. 8, lines 6-24).

However, Dodrill does not explicitly disclose:

- a memory coupled to the processor and having stored thereon at least a set of files for each selected supported service and a control unit arranged to communicate with the processor, for providing instructions for dynamically adjusting at least one file for at least one application.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- a memory coupled to the processor and having stored thereon at least a set of files for each selected supported service and a control unit arranged to communicate with the processor, for providing instructions for dynamically adjusting at least one file for at least one application (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Art Unit: 2157

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claims **2, 16, 28 and 40**, Dodrill discloses wherein the tag-based language format is one of:

- an eXtensible Markup Language (XML) format, a ColdFusion Markup Language (CFML) format and a Wireless Markup Language (WML) format (col. 9, lines 65-67 and col. 10, lines 1-12).

As per claim **31**, Dodrill discloses the invention substantially as claims discussed above.

However, Dodrill does not explicitly disclose:

- wherein at least one of the set of files is dynamically adjustable using instructions in the tag-based language format.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- wherein at least one of the set of files is dynamically adjustable using instructions in the tag-based language format (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

Art Unit: 2157

As per claims **6**, **21**, **32** and **45**, Dodrill discloses:

- wherein the file in the tag-based language format is a log file (col. 11, lines 42-52).

As per claims **7**, **22**, **33** and **46**, Dodrill discloses:

- wherein the log file includes diagnostic information (col. 11, lines 42-58).

As per claim **8**, Dodrill discloses:

- wherein the file in the tag-based language format is a log file and the step of preparing the file in the tag-based language format (col. 11, lines 42-58).

However, Dodrill does not explicitly disclose:

- placing the log file in a control panel servlet (applet) prior to sending the file to the server.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- placing the log file in a control panel servlet (applet) prior to sending the file to the server (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by incorporating an applet within the web page to transfer information to the client in a timely and efficient manner.

As per claims **11**, **23** and **47**, Dodrill discloses the invention substantially as claims discussed above.

However, Dodrill does not explicitly disclose:

- wherein the application is a logging application and the step of dynamically changing the application includes dynamically changing a logging level of the application.

Art Unit: 2157

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- wherein the application is a logging application and the step of dynamically changing the application includes dynamically changing a logging level of the application (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claims 12 and 24, Dodrill discloses:

- wherein the file in the tag-based language format includes at least one desired change in operation of at least one other application (col. 11, lines 42-58 and col. 13, lines 31-51).

As per claims 13 and 25, Dodrill discloses the invention substantially as claims discussed above.

However, Dodrill does not explicitly disclose:

- dynamically changing the at least one other application during server operation by implementing the file in the tag-based language format via a control panel that is coupled to the server.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

Art Unit: 2157

- dynamically changing the at least one other application during server operation by implementing the file in the tag-based language format via a control panel that is coupled to the server (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claims **14** and **26**, Dodrill discloses the invention substantially as claims discussed above.

However, Dodrill does not explicitly disclose:

- wherein dynamically changing the at least one other application during server operation includes dynamically changing a logging level of the at least one other application.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- wherein dynamically changing the at least one other application during server operation includes dynamically changing a logging level of the at least one other application (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claim **34**, Dodrill discloses:

Art Unit: 2157

- wherein the file in the tag-based language format is a log file (col. 11, lines 42-52).

However, Dodrill does not explicitly disclose:

- dynamically adjusted by a servlet file sent from a control panel.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- dynamically adjusted by a servlet file sent from a control panel (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claim 37, Dodrill discloses:

- wherein the instructions are implemented by a logging application and a logging level is dynamically changed (col. 11, lines 42-52).

As per claim 38, Dodrill discloses:

- wherein the file in the tag-based language format includes at least one desired change in operation of at least one other application (col. 11, lines 42-52 and col. 13, lines 31-51).

As per claim 48, Dodrill discloses:

- wherein the file in the tag-based language format includes at least one desired change in operation of at least one other server application (col. 11, lines 42-52 and col. 13, lines 31-51).

However, Dodrill does not explicitly disclose:

Art Unit: 2157

- dynamically changes the at least one other server application during server operation by implementing the file in the tag-based language format.

Mogul discloses a method for dynamically adjusting multimedia content of a web page by a server including:

- dynamically adjusted by a servlet file sent from a control panel (abstract, col. 4, lines 25-27, lines 64-67 and col. 5, lines 47-57).

Given the teaching of Mogul, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dodrill by allowing the server to adjust the content of data to actual network conditions in order to send data to the client in a timely and efficient manner.

As per claim 49, Dodrill discloses:

- wherein a logging level of the at least one other server application is changed (col. 11, lines 42-52).

5. Claims 3-5, 18-20, 29-30 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill in view of Mogul and in further view of Yalcinalp.

As per claims 3, 18 and 42, Dodrill in view of Mogul discloses the invention substantially as claims discussed above.

However, Dodrill in view of Mogul does not explicitly disclose wherein the file in the tag-based language format includes:

- a style sheet.

Art Unit: 2157

Yalcinalp discloses a system and method for extending the capabilities of an XSL style sheet to include components for content transformation including:

- wherein the file in the tag-based language format includes a style sheet (col. 1, lines 30-42, col. 5, lines 37-44 and col. 6, lines 49-57).

Given the teaching of Yalcinalp, it would have been obvious to one of ordinary skill in the art to modify the system of Dodrill and Mogul by specifying that the XML documents includes a style sheet to aid in the modification of document information to be displayed.

As per claims **4**, **19** and **43**, Dodrill in view of Mogul discloses the invention substantially as claims discussed above.

However, Dodrill in view of Mogul does not explicitly disclose:

- wherein the style sheet is in eXtensible Style Language (XSL) and the file is in XML format.

Yalcinalp discloses a system and method for extending the capabilities of an XSL style sheet to include components for content transformation including:

- wherein the style sheet is in eXtensible Style Language (XSL) and the file is in XML format (col. 1, lines 30-42, col. 5, lines 37-44 and col. 6, lines 49-57).

Given the teaching of Yalcinalp, it would have been obvious to one of ordinary skill in the art to modify the system of Dodrill and Mogul by specifying that the XML documents includes a style sheet to aid in the modification of document information to be displayed.

As per claim **29**, Dodrill in view of Mogul discloses the invention substantially as claims discussed above.

However, Dodrill in view of Mogul does not explicitly disclose:

Art Unit: 2157

- wherein at least one of the set of files is in XML format and is dynamically adjustable using instructions in eXtensible Style Language (XSL) format.

Yalcinalp discloses a system and method for extending the capabilities of an XSL style sheet to include components for content transformation including:

- wherein the style sheet is in eXtensible Style Language (XSL) and the file is in XML format (col. 1, lines 30-42, col. 5, lines 37-44 and col. 6, lines 49-57).

Given the teaching of Yalcinalp, it would have been obvious to one of ordinary skill in the art to modify the system of Dodrill and Mogul by specifying that the XML documents includes a style sheet to aid in the modification of document information to be displayed.

As per claims **5**, **20**, **30** and **44**, Dodrill discloses:

- permit a user to examine contents of a desired file remotely, generate at least one custom question, and generate at least one secure question, and remotely adjust the desired file (col. 10, lines 37-51).

6. Claims **9-10**, **17**, **35-36** and **41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill in view of Mogul and in further view of Myerson.

As per claims **9** and **35**, Dodrill in view of Mogul discloses the invention substantially as claims discussed above.

However, Dodrill in view of Mogul does not explicitly disclose:

- permitting a user to query log interface information from a web browser.

Myerson discloses a system and method for analyzing a Web site log file and generating an expanded log file including:

Art Unit: 2157

- permitting a user to query log interface information from a web browser (abstract, col. 4, lines 7-14, lines 35-46).

Given the teaching of Myerson, it would have been obvious to one of ordinary skill in the art to modify Dodrill in view of Mogul to allow a user to access and view reports regarding web patterns of clients in a timely and efficient manner.

As per claims **10** and **36**, Dodrill in view of Mogul discloses the invention substantially as claims discussed above.

However, Dodrill in view of Mogul does not explicitly disclose:

- permitting a user to filter log interface information from a web browser.

Myerson discloses a system and method for analyzing a Web site log file and generating an expanded log file including:

- permitting a user to filter log interface information from a web browser (abstract, col. 4, lines 7-14, lines 35-46).

Given the teaching of Myerson, it would have been obvious to one of ordinary skill in the art to modify Dodrill in view of Mogul to allow a user to access and view reports regarding web patterns of clients in a timely and efficient manner.

As per claims **17** and **41**, Dodrill in view of Mogul discloses the invention substantially as claims discussed above.

However, Dodrill in view of Mogul does not explicitly disclose:

- wherein the forms-based interface permits at least one of: querying log interface information from a web browser and filtering log interface information from a web browser.

Art Unit: 2157

Myerson discloses a system and method for analyzing a Web site log file and generating an expanded log file including:

- wherein the forms-based interface permits at least one of: querying log interface information from a web browser and filtering log interface information from a web browser (abstract, col. 4, lines 7-14, lines 35-46).

Given the teaching of Myerson, it would have been obvious to one of ordinary skill in the art to modify Dodrill in view of Mogul to allow a user to access and view reports regarding web patterns of clients in a timely and efficient manner.

Response to Arguments

7. Applicant's arguments filed January 19, 2005 have been fully considered but they are not persuasive.

The Office notes the following arguments:

a. Dodrill et al in combination with Mogul et al clearly does not disclose the Applicant's claimed dynamically changing the application during the server operation without shutting the server down or recompiling the server implementing the file in the tag-based language format via a control panel couple to the server.

In response to:

a. Applicant's arguments are not persuasive because the amended portion of the limitation is not support by the specification. Therefore, the combination of Dodrill et al and Mogul et al does teach the claim limitation dynamically changing the application during server operation by implementing the file in the tag-based language format via a control panel couple to the server.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
March 30, 2005



SALEH NAJJAR
PRIMARY EXAMINER